

July 11, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: King County Department of Development and Environmental Services File No. L97P0002

LYNDEN PLACE
Preliminary Plat Application

Location: Generally between 116th Avenue Southeast and 118th Avenue Southeast
(if it were to be extended) and south of Southeast 192nd Street

Owner: Jerry Schendeman
19246 116th Avenue Southeast
Renton, WA 98058

Developer: Geonerco, Inc., Attn: John Merlino
1010 South 336th Street, Suite 215
Federal Way, WA 98032

SUMMARY OF DECISION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	January 22, 1997
Notice of complete application:	February 20, 1997

EXAMINER PROCEEDINGS:

Hearing Opened:	July 1, 1997
Hearing Closed:	July 1, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Surface water drainage

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
Owner: Jerry Schwendeman
19246 116th Avenue SE
Renton, WA 98058
Developer: Geonerco, Inc., ATTN: John Merlino
1010 S. 336th St., Suite 215
Federal Way WA 98032
Engineer: Barghausen Consulting Engineers
18215 72nd Avenue South
Kent, WA 98032
251-6222
STR: 4-22-5
Location: Generally between 116th Avenue SE and 118th Avenue SE (if it were to be extended) and south of SE 192nd Street.
Zoning: R-6P
Acreage: 4.5 acres
Number of Lots: 25
Density: 5.5 units per acre
Typical Lot Size: Ranges from approximately 5,280 to 7,700 square feet
Proposed Use: Single-family detached dwellings
Sewage Disposal: Soos Creek Water & Sewer District
Water Supply: Soos Creek Water & Sewer District
Fire District: King County Fire District No. 37
School District: Kent School District #415
Complete Application Date: January 22, 1997
2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the July 1, 1997, public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the record of this proceeding.
3. The current school impact fee applicable to this proposal is \$3,640 per lot.
4. Surface water from a small area to the north sheet flows onto the subject property, and all drainage that leaves the proposed development sheet flows onto the neighboring property to the east. There is no evidence which would indicate any adverse impact of surface water drainage from the proposed development which would affect the property to the north.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Lynden Place, as revised and received June 10, 1997, is GRANTED preliminary approval subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density and minimum density of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended except to the extent that variances may be granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following conditions outline several Core and Special Requirements from Chapter One in the SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM Manual shall also be addressed in the design of engineering plans.
 - a. Core Requirement No. 3: Runoff Control.

Stormwater runoff control shall be provided using standard detention design criteria outlined in the manual. Biofiltration of storm water is also required for water quality enhancement. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County.

Drainage designs shall be provided as required to meet the bypass requirements of the drainage manual for on-site and off-site runoff. Drainage easements shall also be provided in locations suitable to accommodate drainage conveyance for potential future upslope development. As shown on the preliminary drainage plan for Lynden Place, an interceptor trench is proposed to collect surface and ground water along portions of the north and west property line. The interceptor is required to alleviate high ground water conditions occurring in these locations.

b. Special Requirement No. 4: Adopted Basin or Community Plans.

The proposed plat lies within the Upper Soos area of the Soos Creek Basin Plan, which was adopted in January 1992. As shown in Figure 21 from the basin plan, no special recommendations beyond those specified in the King County drainage manual are required for drainage facility design. Page 123 in the basin plan contains seasonal grading and clearing limits which restrict earth moving or land clearing during the period from October 1 to March 31. P-Suffix conditions regarding site development are contained within the Soos Creek Community Plan and are listed as separate conditions of approval for the preliminary plat.

c. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required. Page 5 in the King County sensitive area folio identifies a class 2 salmonid stream located within 1 mile of the project; therefore, if the amount of impervious surface subject to vehicular use exceeds 1 acre, a wetpond will be required.

d. Special Requirement No. 7: Closed Depressions.

Topographic contours shown on the preliminary plat indicate that a low area, which may retain surface water, is located in the southern portion of the site. The applicant's engineer shall evaluate the applicable criteria for closed depressions and determine if compensatory storage or other requirements are necessary for the final drainage plan design.

9. The following conditions outline the required road improvements:

- a. 116th Avenue SE shall be improved along the frontage of the property as an urban neighborhood collector. The road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt.
- b. SE 193rd Street shall be improved as an urban subaccess street.
- c. 117th Avenue SE shall be improved as an urban subaccess street with a transition to half-street design on the north portion of the road.
- d. Tract C shall be improved as private joint-use driveway serving Lots 14 and 15. The lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- e. As required by KCRS 5.03, street trees should be included in the design of all road

improvements.

- f. 116th Avenue SE is designated a neighborhood collector street which may require designs for bus zones and turn outs. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 10. A trail shall be provided for access to the elementary school east of the site. The applicant shall coordinate with the school to provide the necessary trail connection to existing walking facilities on the school property. The preliminary plat shows a trail easement extending through the Tract A drainage facility. During review of the engineering plans, DDES will evaluate the drainage facility and maintenance requirements to determine if the trail design and location is acceptable.
 - 11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid"; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 13. Lots within this subdivision are subject to King County Code 21A.28 which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 14. There shall be no direct vehicular access to or from 116th Avenue SE from those lots which abut it.
 - 15. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
 - 16. A fee-in-lieu of recreation space shall be paid by the applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185.
 - 17. Future residences on lots 10, 11 and 12 shall be sprinklered, unless otherwise approved by the DDES Fire Marshall. A note to this effect shall be placed on the final plat.
 - 18. Street trees shall be provided as follows:

- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 116th Avenue Southeast. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Public Works determines that trees should not be located in the street right-of-way.
- c. If Public Works determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES and the Department of Natural Resources if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. DNR shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 116th Avenue SE is on a bus route. If 116th Avenue SE is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

19. The following conditions shall apply to implement the P-suffix conditions to this property:

- a. **Clearing and Grading.** The applicant has the option to clear the individual building envelopes during construction of the roads and utilities, or upon approval of the individual building permit. If the building envelopes are to be cleared during road and utility construction, the individual building envelopes shall be shown on the engineering

plans and limited to the following maximum area (1991 Soos Creek Community Plan, page 148):

- | | | |
|----|------------------------------|--------------------------|
| 1) | <u>Lot Size (in sq. ft.)</u> | <u>Building Envelope</u> |
| | Less than 5,000 | 55% of the lot size |
| | 5,000-9,000 | 45% of the lot size |
| | 9,001-15,000 | 35% of the lot size |
| | Greater than 15,000 | 5,000 square feet |
- 2) The clearing limits for each building envelope shall be clearly marked or flagged on each lot and inspected prior to any clearing.
- b. **Seasonal Clearing.** Clearing and grading shall not be permitted between November 1, and March 31, unless otherwise approved by DDES (1991 Soos Creek Community Plan, pages 149-150).

ORDERED this 11th day of July, 1997,

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 11th day of July, 1997, to the following parties and interested persons:

Scott and Kerry Abernathy
H.W. Brasel
Scott and Karen Campbell
Warren Diezen
Don Erickson
John Merlino/Generco, Inc.
John L. Scott Land Department
Jeff Potter/Barghausen Engineers
Mark Poulson
Gerald Schwendeman
Richard Smith
William and Carol Westergren
Kim Claussen, DDES/LUSD
Marilyn Cox, DDES/LUSD/SEPA
Peter Dye, DDES/LUSD
Paul Eichhorn, DDES/BSD/Site Eng. & Planning
Rich Hudson, DDES/SEPA
Michaelene Manion, DDES/LUSD
Lisa Pringle, DDES/LUSD

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 25, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal

statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before August 1, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JULY 1, 1997, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0002 - PRELIMINARY PLAT OF LYNDEN PLACE: James N. O'Connor was the Hearing Examiner in this matter. Participating at the hearing were Kim Claussen and Peter Dye representing the County; Jeff Potter, Gerald Schwendeman and Richard Smith.

The following were the exhibits offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L97P0002
- Exhibit No. 2 Department of Development and Environmental Services preliminary report dated July 1, 1997
- Exhibit No. 3 Application dated January 22, 1997
- Exhibit No. 4 Environmental checklist dated January 22, 1997
- Exhibit No. 5 Declaration of nonsignificance dated June 3, 1997
- Exhibit No. 6 Affidavit of Posting indicating May 30, 1997, as date of posting and June 9, 1997, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map dated June 10, 1997 (revision)
- Exhibit No. 8 Land use map 605W; 609E; 610W
- Exhibit No. 9 Assessors maps NW 4-22-5; NE 5-22-5; SE 32-23-5; and SW 33-23-5
- Exhibit No. 10 City of Renton letter dated May 1, 1997
- Exhibit No. 11 Wetland study by Terra Assoc. dated March 5, 1997
- Exhibit No. 12 Level 1 drainage analysis by Barghausen dated December 1996
- Exhibit No. 13 Conceptual drainage plan, June 10, 1997 (revision)
- Exhibit No. 14 Revised Condition No. 17

JNOC:daz
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